

**REMARKS**

Claim 16 and claim 28 are currently amended. Claim 32 has been canceled. A new dependent claim 36 depending from claim 16 has been added. Claims 16 - 31 and 33 - 36 are currently pending in the present application.

In the Office Action, the oath or declaration is noted to be defective. Additionally, in the Office Action, claims 16 - 19, 23, and 28 - 31 are rejected under 35 U.S.C. §102(b) as being anticipated by Janke US Patent No. 3,702,030. Also, in the Office Action, claims 20 - 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Janke US Patent No. 3,702,030 in view of St. Louis US Patent Application 2003/0097764. Furthermore, in the Office Action, claim 22 is rejected under 35 U.S.C. §103(a) as being unpatentable over Janke US Patent No. 3,702,030 in view of Liebermann US Patent No. 3,060,591. Moreover, in the Office Action, claim 24 is rejected under 35 U.S.C. §103(a) as being unpatentable over Janke US Patent No. 3,702,030 in view of Worst US Patent No. 3,309,783. Also, in the Office Action, claims 25 - 27 are rejected under 35 U.S.C. §103(a) as being unpatentable over Janke US Patent No. 3,702,030. Moreover, in the Office Action, claims 33 - 35 are rejected under 35 U.S.C. §103(a) as being unpatentable over Janke US Patent No. 3,702,030 in view of Kohlman et al US Patent No. 6,381,870.

With respect to the indicated finality of the Office Action, Applicant hereby confirms the substance of a telephone conference with the Examiner on March 2, 2010, wherein the Examiner indicated that the Office Action is, in fact, a non-final office action and the Examiner will issue an Examiner's Amendment to make of record the non-final status of the Office Action.

With respect to the oath or declaration being defective, The Office Action objected to the originally filed Declaration as allegedly defective because the Declaration refers to "material to examination" and rule "56(a)" instead of "material to patentability as defined in 37 C.F.R. §1.56. Enclosed herewith is a

copy of a document signed by the Commissioner of Patents indicating that the Patent Office accepts Declarations referring to a 37 CFR 1.56(a)." Enclosed herewith is a copy of a document signed by the Commissioner of Patents indicating that the Patent Office accepts Declarations referring to "material to examination" and rule "56(a)" provided those Declarations were filed before June 1, 2008. The Declaration for the present application was filed on April 4, 2007. Accordingly, it is believed that the Declaration filed with the application should be accepted. Withdrawal of the objection to the Declaration is respectfully requested.

With respect to the prior art rejections of claims 16 - 31 and 33 - 35, favorable reconsideration is respectfully requested in view of the following comments.

### **The Present Invention**

The present invention is directed to an inventive method for drying laundry in a dryer and an inventive laundry dryer. The inventive method, which may be performed in the inventive laundry dryer, advantageously performs an anti-creasing cycle that minimizes the formation of undesirable creases in the laundry being dried. Attention is directed to claim 16 of the present application, which recites a method for drying laundry in a dryer comprising a housing and a drum receiving the laundry and mounted for rotation with respect to the housing. The inventive method includes, as recited in claim 16, performing a drying program including a heating-up phase, a drying phase, and a cooling-down phase and performing an anti-crease cycle. The anti-crease cycle has alternating intervals including rotary movement time intervals, in which the drum is rotated to agitate the laundry, and stoppage time intervals, in which the drum stops rotating and the laundry is at rest. Furthermore, the duration of the rotary movement intervals

decreases in relation to the stoppage time intervals in response to an operating parameter.

**The Rejection of Claims 16 - 19, 23, and 28 - 31 Under 35 U.S.C.  
§102(b) as Anticipated by Janke US Patent No. 3,702,030**

Claims 16 - 19, 23, and 28 - 31 are rejected under 35 U.S.C. §102(b) as being anticipated by Janke US Patent No. 3,702,030.

Janke US Patent No. 3,702,030 discloses a clothes dryer 10 including a drum 11 having a bulkhead 12 in which there is an inlet aperture 13 and a drive motor 17 to drive a fan and connected in a driving relationship with the drum 11. The clothes dryer 10 also includes a digital control circuit 23, a digital counter circuit 26, a memory 28 and a control logic circuit 27. The control logic circuit 27 includes a plurality of outputs for controlling various machine functions and, accordingly, for controlling the program of the dryer. Janke '030 discloses a method of controlling a fabric treating apparatus comprising the steps of (a) initiating a fabric treating operation; (b) sensing a parameter related to the condition of the fabric within the treatment zone; (c) counting pulses from a source of timing signals; (d) repeatedly terminating and restarting the count until said sensed parameter reaches a predetermined value; and (e) terminating the fabric treating operation upon the accumulation of a preselected count.

The Office Action asserts that Janke '030 discloses performing an anti-crease cycle that has alternating intervals including rotary movement time intervals, in which the drum is rotated to agitate the laundry, and stoppage time intervals, in which the drum stops rotating and the laundry is at rest, with the duration of the rotary movement intervals decreases in relation to the stoppage time intervals in response to an operating parameter.

The Office Action also refers to the arguments previously advanced by Applicants regarding the shortcomings of Janke '030. Specifically, the Office

Action on Page 7 characterizes Applicants' argument as follows: "Applicants argue that the claims should be allowed over the Janke reference because [of] the desirability of an anti-crease cycle." However, Applicants are not contending that the claims of the present application are patentable over Janke '030 for the reason that Janke '030 does not disclose an anti-crease cycle. Instead, Applicants contend that Janke '030 does not disclose or suggest the novel features of Applicants' method for drying laundry in a dryer and laundry dryer and the Examiner's attention is kindly drawn to these novel features as now discussed in detail.

As noted, in the method for drying laundry recited in claim 16 of the present application, an anti-crease cycle has alternating intervals including rotary movement time intervals, in which the drum is rotated to agitate the laundry, and stoppage time intervals, in which the drum stops rotating and the laundry is at rest, whereupon the duration of the rotary movement intervals decreases in relation to the stoppage time intervals in response to an operating parameter. The Office Action on Pages 4 and 5 asserts that Janke '030 discloses a control device 23 coupled to the motor and controlling rotation of the drum, the control device performing an anti-crease cycle including alternately rotating the drum during rotary movement intervals and stopping the rotation of the drum during stoppage time intervals, the control device decreasing the duration of the rotary movement intervals in relation to the stoppage time intervals in response to an operating parameter.

However, it is submitted that Janke '030 merely discloses that its control logic circuit controls a drive motor 17 for controlling rotation of the drum 11 and does not even hint at the desirability of a laundry drying cycle in which rotary movement time intervals, during which the drum is rotated to agitate the laundry, and stoppage time intervals, during which the drum stops rotating and the laundry is at rest, are controlled in relation to one another, let alone controlled in relation to one another in response to an operating parameter. For example,

Column 9, lines 3 - 9, of Janke '030 describes a portion of the execution of the Janke '030 dryer program wherein the drive motor 17 need only be energized on the even numbered steps of the drying program yet one of skill in the art, in considering this prescribed energization of the drive motor 17, would gain no hint or suggestion of an anti-crease cycle in which the duration of the rotary movement intervals decreases in relation to the stoppage time intervals in response to an operating parameter, as is recited in, for example, claim 16 of the present application.

Additionally, claims 17 - 19, and 23 all ultimately depend from independent method claim 16 and it is clear that Janke '030 not only fails to make any mention of an anti-crease cycle in which the duration of the rotary movement intervals decreases in relation to the stoppage time intervals in response to an operating parameter but also that Janke '030 fails to make any teaching or suggestion of the specific characteristics of the "operating parameter" that each of these dependent claims recites in response to which the duration of the rotary movement intervals decreases in relation to the stoppage time intervals. For example, claim 18 depends from claim 16 and recites that the act of detecting the temperature of the laundry with a sensor and the operating parameter includes a decrease in the temperature of the laundry. The Office Action asserts that Janke '030 discloses performing an anti-crease cycle that has alternating intervals including rotary movement time intervals and stoppage time intervals, with the duration of the rotary movement intervals decreases in relation to the stoppage time intervals in response to an operating parameter and further asserts that Janke '030 discloses the act of detecting the temperature of the laundry with a sensor and the operating parameter includes a decrease in the temperature of the laundry. The Office Action points to Column 8, lines 31 - 56, of Janke '030 as disclosing the act of detecting the temperature of the laundry with a sensor and disclosing that the operating parameter includes a decrease in the temperature of the laundry.

However, it is submitted that Janke '030 does not teach or disclose controlling the rotation of its drum 11 in response to an operating parameter that includes a variation in the temperature of the laundry, let alone controlling the rotation of its drum 11 in response to an operating parameter that includes a decrease in the temperature of the laundry, as recited in claim 18 of the present application. The referenced passage of Column 8, lines 31 - 56 of Janke '030 states that the memory 28 in the form of a digital circuit is advanced through a plurality of unique binary states - namely, six binary states and reference is had to Figure 3 of Janke '030 in which these first six binary states are illustrated as steps 0 - 5 which correspond to a dry interval, two successive 5 minute cool down intervals, a 5 minute pause, a 5 second tumble interval, and a 5 minute pause. These first six binary states are thus fixed in terms of the task performed (i.e., drying, cooling down, etc.) and in terms of the duration of the task (i.e., a 5 minute pause, a 5 second tumble, etc.). Thus, it is clear that none of these first six binary states vary as a function of, or respond to, an operating parameter. Consequently, even if Janke '030 discloses sensing a temperature of the laundry, Janke '030 provides no hint or suggestion of varying the first six binary states in response to an operating parameter. Accordingly, in view of the absence in Janke '030 of any mention of controlling the rotation of its drum 11 in response to an operating parameter that includes a variation in the temperature of the laundry, let alone controlling the rotation of its drum 11 in response to an operating parameter that includes a decrease in the temperature of the laundry, it cannot be asserted that Janke '030 anticipates the subject matter of claim 18 under 35 U.S.C. §102(b). For similar reasons, it cannot be asserted that Janke '030 anticipates the subject matter of claims 17, 19 or 23 under 35 U.S.C. §102(b), as each of these dependent claims recites a specific characteristic of the "operating parameter" in response to which the duration of the rotary movement intervals decreases in relation to the stoppage time intervals.

In view of the absence in Janke '030 of any mention of an anti-crease cycle in which the duration of the rotary movement intervals decreases in relation to the stoppage time intervals in response to an operating parameter, it cannot be asserted that Janke '030 anticipates the present invention under 35 U.S.C. §102(b) and the rejection of claim 16, and the rejections of claims 17 - 19, 23 all ultimately depending upon claim 16, under 35 U.S.C. §102(b) as being anticipated by Janke '030 should be withdrawn. For the same reasons, the rejection of independent apparatus claim 28, and claims 29 - 31 all ultimately depending therefrom, under 35 U.S.C. §102(b) as being anticipated by Janke '030 should be withdrawn.

**The Rejection of Claims 20 - 21 Under 35 U.S.C. §103(a) as Unpatentable Over Janke US Patent No. 3,702,030 in View of St. Louis US Patent Application 2003/0097764**

Claims 20 - 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Janke US Patent No. 3,702,030 in view of St. Louis US Patent Application 2003/0097764.

Janke US Patent No. 3,702,030 discloses a clothes dryer 10 and a method of controlling a fabric treating apparatus comprising the steps of (a) initiating a fabric treating operation; (b) sensing a parameter related to the condition of the fabric within the treatment zone; (c) counting pulses from a source of timing signals; (d) repeatedly terminating and restarting the count until said sensed parameter reaches a predetermined value; and (e) terminating the fabric treating operation upon the accumulation of a preselected count (Column 5, lines 17 - 46 and Figure 3).

St. Louis US Patent Application 2003/0097764 discloses a clothes dryer 10 (Paragraph 0018) having a control circuit (Abstract).

With regard to St. Louis US Patent Application 2003/0097764, the Office Action asserts that this reference discloses a pre-selected drying program selected by the user. While St. Louis US Patent Application 2003/0097764 may disclose such a pre-selected drying program selected by the user, it is not seen, and the Office Action has not alleged, that St. Louis US Patent Application 2003/0097764 teaches or discloses an anti-crease cycle in which the duration of the rotary movement intervals decreases in relation to the stoppage time intervals in response to an operating parameter. It is respectfully submitted that the rejection of claims 20 - 21 under 35 U.S.C. §103(a) as being unpatentable over Janke US Patent No. 3,702,030 in view of St. Louis US Patent Application 2003/0097764 cannot be sustained in view of the failure of Janke US Patent No. 3,702,030 to teach or disclose the present invention and the failure of St. Louis US Patent Application 2003/0097764 to remedy the deficiencies of Janke '030.

**The Rejection of Claim 22 Under 35 U.S.C. §103(a) as Unpatentable Over Janke US Patent No. 3,702,030 in View of Liebermann US Patent No. 3,060,591**

Claim 22 is rejected under 35 U.S.C. §103(a) as being unpatentable over Janke US Patent No. 3,702,030 in view of Liebermann US Patent No. 3,060,591. With regard to Liebermann US Patent No. 3,060,591, the Office Action asserts that this reference discloses an arrangement for detecting an amount of laundry. While Liebermann US Patent No. 3,060,591 may disclose such an arrangement for detecting an amount of laundry, it is not seen, and the Office Action has not alleged, that Liebermann US Patent No. 3,060,591 teaches or discloses an anti-crease cycle in which the duration of the rotary movement intervals decreases in relation to the stoppage time intervals in response to an operating parameter. It is respectfully submitted that the rejection of claim 22 under 35 U.S.C. §103(a) as being unpatentable over Janke US Patent No. 3,702,030 in view of Liebermann

US Patent No. 3,060,591 cannot be sustained in view of the failure of Janke US Patent No. 3,702,030 to teach or disclose the present invention and the failure of Liebermann US Patent No. 3,060,591 to remedy the deficiencies of Janke '030.

**The Rejection of Claim 24 Under 35 U.S.C. §103(a) as Unpatentable Over Janke US Patent No. 3,702,030 in View of Worst US Patent No. 3,309,783**

Claim 24 is rejected under 35 U.S.C. §103(a) as being unpatentable over Janke US Patent No. 3,702,030 in view of Worst US Patent No. 3,309,783.

Worst US Patent No. 3,309,783 discloses a clothes dryer 1 (Column 2, lines 17 - 26 and Figures 1 - 4) having a drum reversal feature (Column 1, lines 45 - 60).

With regard to Worst US Patent No. 3,309,783, this reference is alleged to disclose a drum reversing feature for a clothes dryer. While that may be so, it is not seen, and the Office Action has not alleged, that Worst US Patent No. 3,309,783 teaches or discloses an anti-crease cycle in which the duration of the rotary movement intervals decreases in relation to the stoppage time intervals in response to an operating parameter. It is respectfully submitted that the rejection of claim 24 under 35 U.S.C. §103(a) as being unpatentable over Janke US Patent No. 3,702,030 in view of Worst US Patent No. 3,309,783 cannot be sustained in view of the failure of Janke US Patent No. 3,702,030 to teach or disclose the present invention and the failure of Worst US Patent No. 3,309,783 to remedy the deficiencies of Janke '030.

**The Rejection of Claims 25 - 27 Under 35 U.S.C. §103(a) as Unpatentable Over Janke US Patent No. 3,702,030**

Claims 25 - 27 are rejected under 35 U.S.C. §103(a) as being unpatentable over Janke US Patent No. 3,702,030. In view of the absence in Janke '030 of any mention of an anti-crease cycle in which the duration of the rotary movement intervals decreases in relation to the stoppage time intervals in response to an operating parameter, it cannot be asserted that Janke '030 renders obvious the subject matter of claims 25 - 27 of the present application under 35 U.S.C. §103(a).

**The Rejection of Claims 33 - 35 Under 35 U.S.C. §103(a) as Unpatentable Over Janke US Patent No. 3,702,030 in View of Kohlman et al US Patent No. 6,381,870**

Claims 33 - 35 are rejected under 35 U.S.C. §103(a) as being unpatentable over Janke US Patent No. 3,702,030 in view of Kohlman et al US Patent No. 6,381,870.

Kohlman et al US Patent No. 6,381,870 discloses a drying cycle phenomenon wherein a bag having laundry therein undergoes "crimping" or "creasing."

While Kohlman et al US Patent No. 6,381,870 may disclose an anti-crease feature, it is not seen, and the Office Action has not alleged, that Kohlman et al US Patent No. 6,381,870 teaches or discloses an anti-crease cycle in which the duration of the rotary movement intervals decreases in relation to the stoppage time intervals in response to an operating parameter. It is respectfully submitted that the rejection of claims 33 - 35 under 35 U.S.C. §103(a) as being unpatentable over Janke US Patent No. 3,702,030 in view of Kohlman et al US Patent No. 6,381,870 cannot be sustained in view of the failure of Janke US Patent No. 3,702,030 to teach or disclose the present invention and the failure of Kohlman et al US Patent No. 6,381,870 to remedy the deficiencies of Janke '030.

**New Claim 36**

New dependent claim 36 depends from independent method claim 16 and recites that the method for drying laundry in a dryer further comprises performing the drying program again including another heating-up phase, another drying phase, and another cooling-down phase and performing another anti-crease cycle after the another drying phase of the drying program has been performed, this another anti-crease cycle having alternating intervals including rotary movement time intervals, in which the drum is rotated to agitate the laundry, and stoppage time intervals, in which the drum stops rotating and the laundry is at rest, the duration of the rotary movement intervals decreasing in relation to the stoppage time intervals, and the duration of these rotary movement intervals decreasing in relation to these stoppage time intervals in a different manner than the duration of the rotary movement intervals decrease in relation to the stoppage time intervals in connection with the anti-crease cycle of the first-mentioned drying phase. It is submitted that new claim 36 patentably defines over the prior art of record and is allowable. For example, Janke '030 does not hint at or suggest a multiplicity of "tumbling" intervals but, instead, merely discloses a single, unchangeable drying cycle with "tumbling" intervals each of a fixed, predetermined duration. In contrast, new claim 36 recites a second drying phase wherein, in an anti-crease cycle thereof, the duration of the rotary movement intervals decreases in relation to the stoppage time intervals in a different manner than the duration of the rotary movement intervals decrease in relation to the stoppage time intervals in connection with the anti-crease cycle of the first-mentioned drying phase.

**CONCLUSION**

In view of the above, entry of the present Amendment and allowance of claims 16 - 31 and 33 - 36 are respectfully requested. If the Examiner has any questions regarding this Amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

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March 11, 2010

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